

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WARNER BROTHERS ENTERTAINMENT INC. and J.K. ROWLING, Plaintiffs, -against- RDR BOOKS and DOES 1-10, Defendants.	<u>Case No. 07-CV-9667 (RPP)</u> DECLARATION OF DIANE NELSON
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I, Diane Nelson, declare and state as follows:

1. I am President, Warner Premiere. Except for the facts stated on information and belief, all of the facts set forth herein are known to me personally, and if called as a witness, I could and would testify competently thereto.
2. Warner Bros. Entertainment Inc. ("Warner Bros.") is the owner of the film rights to the *Harry Potter* series of books, authored by J.K. Rowling, which it obtained from Ms. Rowling following the critical and popular success of the first *Harry Potter* book.
3. To date, Warner Bros. has released five *Harry Potter* films including, *Harry Potter and the Sorcerer's Stone* (2001), *Harry Potter and the Chamber of Secrets* (2002), *Harry Potter and the Prisoner of Azkaban* (2003), *Harry Potter and the Goblet of Fire* (2005), and *Harry Potter and the Order of the Phoenix* (2007). Each of the films is the subject of a copyright registration in the United States Copyright Office.
4. The sixth film, *Harry Potter and the Half-Blood Prince* is scheduled for a worldwide release in November, 2008 and production of the seventh film, *Harry Potter and the Deathly Hallows* is confirmed, but a release date has not yet been set.

5. The five *Harry Potter* films released to date represent the highest grossing film series of all time with over \$4 billion in worldwide receipts.

6. Pursuant to Warner Bros.' agreement with Ms. Rowling, Warner Bros. owns the trademark rights in the HARRY POTTER properties and, among other things, the motion picture rights in the HARRY POTTER novels. In connection with its trademark rights, Warner Bros. has obtained numerous trademark registrations for the mark HARRY POTTER, including registrations covering both books and films, in the United States.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 1, 2007, at Burbank, California.

Respectfully submitted,

By:  _____